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EXAMINER PHAM, MICHAEL				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/757,793

Applicant(s)

ALBORNOZ ET AL.

Examiner

Michael D. Pham

Art Unit

2167

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 9-13 and 25-29.

Claim(s) withdrawn from consideration: 1-8 and 14-24.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's have asserted the following (numbered):

1. That examples of policies that might be covered by claim 9 can be found in paragraph 0005 of applicant's specification.

First, in response, it is respectfully submitted that while Applicant's disclose examples from the specifications by citing 0005. Examples are not definitions nor do they limit the scope of the claim. Furthermore, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that policies are "one approach is to apply a no-change policy on the document, whereby annotations are maintained for the original document only and do not apply to subsequent versions. While this approach is simple, there may be many cases where at least some annotations would apply to a subsequent version of a document, such as when the particular portion described by the annotation has not changed. Therefore another approach would be to "carry-forward" annotations to subsequent versions of a document. However, in some cases, some of the annotations may no longer apply, such as when an annotated portion of the document is edited to render the annotation invalid or deleted entirely. Further even if the annotation does apply to the new version, annotation indexes indicating the corresponding annotated portions of the document may need to be updated to reflect the changes in the document.") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

2. That Gupta does not disclose "allowing creators of annotations for a current version of a document to select one or more of the annotation versioning policies to dictate how the annotations should be applied to subsequent versions of the document". That col. 9 lines 63-67 of Gupta teaches the filtering of old annotations. However, in Gupta this ability to not display old annotations is not controlled by the creator but by another user.

In response, the examiner respectfully disagrees that Gupta does not disclose "allowing creators of annotations for a current version of a document to select one or more annotation versioning policies to dictate how the annotations should be applied to subsequent versions of the document". However for clarity,

It is respectfully submitted that creators are also users. As stated in col. 4 lines 29-32, a user of a client computer desires to ADD or RETRIEVE annotations, the client computer contacts the annotation server to perform the desired addition/retrieval. That is, because a user is able to add annotations, they are able to create:

Secondly, col. 9 lines 63-37 essentially provides a user specified media characteristic. As noted on col. 9 lines 54-56, stating different media characteristics can be used to associate the annotation with a particular segment of the media content. That from col. 9 lines 59-63, a creation time field contains data specifying the data and time at which the annotation entry 170 is created. That col. 9 lines 63-67 discloses that a user can specify that annotations which are particular old, e.g. created more than two weeks earlier are not to be displayed. Hence, Gupta discloses "selecting one or more annotation versioning policies" (specifying media characteristics, such as creation time field) "dictating how annotations for a current version of a document should be applied to subsequent version of the document" (user can specify annotations which are particular old, e.g. created more than two weeks earlier to not be displayed).

Lastly, in regards to the final claimed limitation "allowing creators of the annotations for a current version of a document to select one or more of the annotation versioning policies to dictate how the annotations should be applied to subsequent versions of the document". As stated above users are also creators. As col. 4 lines 29-32 state above, the user is able to add annotations, hence create them. This is explicitly stated in col. 13 lines 34-37, where allowing the creator of the set to identify which users are able to read and/or write to the annotation set, i.e. defining who is allowed to create for that annotation set. Gupta further states an object of the invention is to overcome the problem of annotations added by a user to one particular version of the multimedia content would be associated with that version and would not be available to users being presented with other versions, col. 2 lines 28-33. Hence, annotations applied to one version should be applied to subsequent versions of the content/document.

For example, A professor (creator) giving a lecture would annotate lecture slides (current version), having annotation sets that he/she deems important for the exam and unimportant by allowing/disallowing read/write access (annotation versioning policies). An assistant professor, gives the same lecture at a remote location, with a lower resolution version of the document (subsequent version of document), and in a more condensed amount of time for test review. For timing constraint purposes and resolution quality, the assistant professor would want to remove annotations that are unimportant, which the professor would specify as a set that the assistant professor is able to read/write to, and hence, remove unimportant annotations (annotation version policy dictates how annotations applied to subsequent version). However, the professor also specifies that the assistant professor is unable to remove important annotations in a particular set (version policy applied to subsequent version).

Accordingly, "allowing creators of the annotations for a current version of a document to select one or more of the annotation versioning policies" [col. 13 lines, 34-37, allowing the creator (creator) of the set to identify (select) which users are able to read and/or write (a type of annotation versioning policy) to the annotation set (annotations for a current version of a document)] "to dictate how the annotations should be applied to subsequent versions of the document" (in col. 4 lines 29-32, a user of a client computer desires to add or retrieve annotations, the client computer contacts the annotation server to perform the desired addition/retrieval. Hence retrieving annotation sets should either be applied as is or not displayed i.e. if user has read only access; or when added can be edited by another user in subsequent versions i.e. write access. in subsequent versions e.g. higher/lower resolution.)

3. That Gupta does not mention a policy or policies "dictating how annotations made for a current version of a document should be applied to a subsequent version of the document." Instead, Gupta mentions a selection dictating how an annotation made for a current version of a document is applied to that same version of the document. That therefore it is apparent that Gupta does not teach a creator selecting an annotation policy for subsequent versions of a document, as in claim 9, but rather teaches a user selecting a single version.

In response, the examiner respectfully disagrees with Applicant's that Gupta does not disclose "dictating how annotations made for a current version of a document should be applied to a subsequent version of the document.", and that Gupta mentions dictating how annotations made for a current version of a document is applied to that same version of a document.

First, in regards to Gupta dictating how annotations made for a current version of a document is applied to that same version of the document. Gupta discloses that annotations made for current version of a document is applied to different version of a document, see abstract, where Gupta states annotations corresponding to multimedia content, each such annotation corresponding to each of the different versions of the media content.

Second, in regards to the limitation, Gupta discloses in the abstract, each annotation (e.g. dictating how annotations made for current version of a document) corresponding to each of the different versions of the multimedia (should be applied to subsequent version of the document). In fact, col. 2 lines 28-33 discloses a problem in general situations is that annotations added by a user to one particular version of the multimedia content would be associated with that version and would not be available to users being presented with other versions, which Gupta discloses a solution for. That is, Gupta discloses annotations made for one version of a document, are made for other versions of the document. Hence, the annotations made for a document dictate how annotations are made in other versions of the document.

Hence Gupta clearly discloses "dictating how annotations made for a current version of a document should be applied to a subsequent version of the document".

4. That col. 13 lines 34-36, in Gupta, is similar to an administrative right, dependent on the user while independent of the version number. In contrast, the selection of an annotation versioning policy as recited in claim 9, allows the creator to dictate how annotations (created for one version of a document) are applied to subsequent versions of the document dependent on the version number and independent of the user.

In response, nothing in the claim recites that the creator is to dictate how annotations created for one version of a document are applied to subsequent versions of the document is dependent on the version number and independent of the user. The claim states that it allows a creator to select one or more annotation versioning policies. That these policies dictate whether annotations should be applied to subsequent documents.

However, "allows the creator to dictate how annotations created for one version of a document are applied to subsequent versions of the document" clearly reads in the Gupta reference, col. 2 lines, 28-42, which, states that "a user to one particular version of the multimedia content would be associated with that version and would not be available to users being presented with other versions. That one solution to this problem is to have a duplicative annotation structure in which each of the annotations that is created for a version of the multimedia content is duplicated in the annotation storage structure for each of the other versions. Hence allows the creator to dictate how annotations created for one version of a document (annotations from one particular version) are applied to subsequent versions of the document (annotations that is created for a version of the multimedia content is duplicated in the annotations storage structure for each of the other versions)

Therefore, the asserted "allows the creator to dictate how annotations created for one version of a document are applied to subsequent versions of the document" is clearly taught by Gupta. Furthermore, even Applicant's specification 0049 states that user may specify that annotations must be validated by someone with authority before they are carried forward to new versions of a document. That this policy may be applicable in an environment where the person who makes the changes to the document also has authority to see and determine the applicability of a previous annotation to the changed document.

5. That in fact, Gupta discloses that users may not specify how an annotation created for one version of a document should be applied to subsequent versions of the document. That col. 7 lines 22-26, states that "regardless of the number of different versions of particular multimedia content available to media server 11, each annotation created by annotation server 10, is maintained as a single copy corresponding to all of these different versions." Thus, the creator of an annotation is not given any choice of how an annotation created for one document should be applied to subsequent versions as recited in the claims.

In response, the examiner respectfully disagrees with Applicants. The creator of an annotation is given a choice of how an annotation created for one document should be applied to subsequent versions, as creators are allowed to specify what users have access for reading/writing of the annotation sets, as seen in col. 13 lines 34-38. Thus, users of subsequent documents either are able to read, write, or unable to use the annotations in the annotation sets in subsequent documents.

As to applicant's reference made to col. 7 lines 22-26, that feature is for the following reason. See col. 2 lines 34-42, one solution to this problem is to have duplicative annotation structure in which each of the annotations that is created for a version of the multimedia content is duplicated in the annotation storage structure for each of the other versions. The necessary repetition in this solution is however creates a particularly burdensome process in creating annotations as well as requiring a substantial amount of storage space to maintain all of the duplicated annotations. That is, Gupta improves prior art by instead of duplicating annotations. Gupta provides a single storage space for annotation that is applied to all versions. The creator is given a choice because the creator is able to add annotations as well as define access to annotation sets.

6. That claim 25, Gupta does not teach any type of annotation versioning policies.

In response, the examiner disagrees. As above, col. 4 lines 29-32 state that a user is able to retrieve or add annotations. However, col. 13 lines 34-38 state that creator of the annotation set identifies which users are able to read and/or write to the annotation set. Hence defining an annotation policy (identifies users to read and/or write), each dictating how an annotation created for one version of a document should be applied to one or more subsequent versions of the document (col. 13 lines 34-38, if the user has read/write access, the user is able to use the annotations in the annotation set for subsequent versions). As to providing an interface allowing a user to select one or more of the available annotation policies to be applied to the annotations col. 13 lines 33-34, that the annotation server further supports read and write access controls i.e. interface.

Conclusion: Applicant's mainly assert that annotation versioning policies are not taught by the cited references. That Gupta does not disclose "allowing creators of annotations for a current version of a document to select one or more of the annotation versioning policies". However the examiner respectfully disagreed citing col. 13 lines 34-38 that Gupta is allowing the creator (creator) of the set (select) to identify which users are able to read and/or write (annotation versioning policy) to the annotation set (annotations for documents). Hence, Gupta suggests "allowing creators of annotations for a current version of a document to select one or more annotation versioning policies". That Gupta does not disclose "to dictate how the annotations should be applied to subsequent versions". However, the examiner disagreed because if the specified user is able to read or write (annotation version policy) to the annotation set (annotations for version documents), the user is able to then use the annotation in a subsequent version (dictates how annotations should be applied to subsequent versions). Claims as written are not yet distinguishable enough over the cited references.